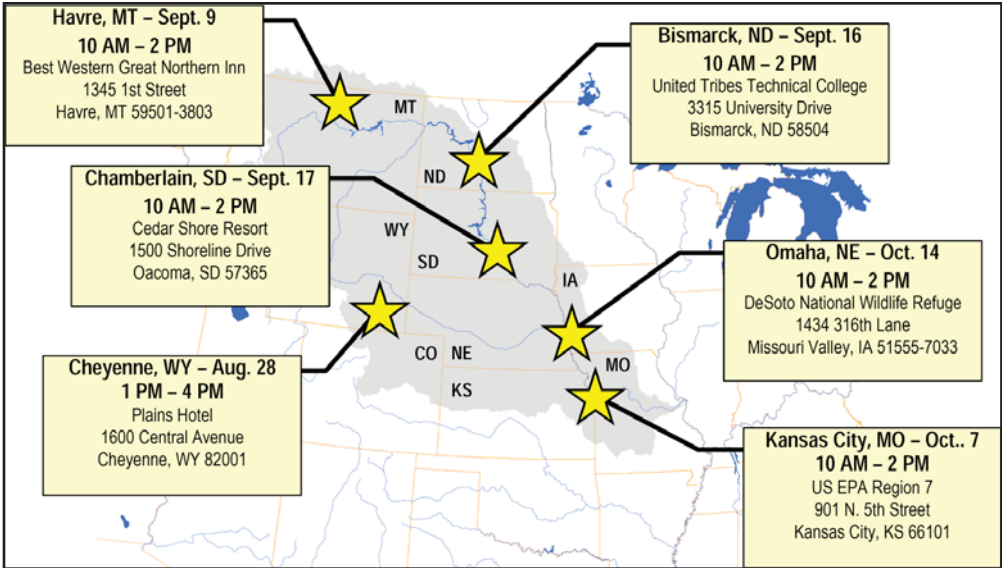


Watch for these upcoming mini-rendevous meetings with USACE and USFWS throughout the basin:



U.S. Army Corps of Engineers
ATTN: Jennifer Switzer
Room 843, PM-PR
Kansas City, MO 64106

Would you like a presentation on the MRERP given to your group?
For more information on the MRERP, please contact:

U.S. Army Corps of Engineers
Kansas City District Co-Lead
Jennifer Switzer
601 East 12th Street
Kansas City, MO 64106
Phone: (816) 389-3062
jennifer.l.switzer@usace.army.mil

Omaha District Co-Lead
Randy Sellers
1616 Capitol Avenue
Omaha, NE 68102
Phone: (402) 995-2689
randy.p.sellers@usace.army.mil

U.S. Fish and Wildlife Service
Wayne Nelson-Stastny
USFWS-USACE Gavins Point
P.O. Box 710
Yankton, SD 57078
Phone: (402) 667-2884
wayne_nelsonstastny@fws.gov

Missouri River Ecosystem Restoration Plan and Environmental Impact Statement



Cooperating Agencies Overview Newsletter 1 | August 2008



This newsletter summarizes a series of meetings that the U.S. Army Corps of Engineers (USACE), in cooperation with the U.S. Fish and Wildlife Service (USFWS), held with potential cooperating agencies, information on what it means to be a cooperating agency, and information on the next steps for the project and cooperating agency participation.

Background:

Missouri River Ecosystem Restoration Plan
The USACE, in partnership with the USFWS, is initiating a collaborative long-term study and plan called the Missouri River Ecosystem Restoration Plan (MRERP) to identify and guide the actions required to restore ecosystem functions, mitigate habitat losses, and recover native fish and wildlife on the Missouri River, while seeking balance with social, economic, and cultural values for future generations.

The USACE intends to invite representatives from Federal agencies and Tribal and State governments to participate as cooperating agencies on the project. Cooperating agencies will provide ongoing coordination and support as well as product development and reviews throughout the National Environmental Policy Act (NEPA) process, working closely with the USACE. The MRERP will also be developed in consultation with the Missouri River Recovery Implementation Committee (MRRIC), a committee formed to provide guidance to the Secretary of the Army on matters regarding the recovery of the Missouri River. In addition, the general public will be involved at multiple points of the study process.

What Have We Accomplished So Far?

Members of the MRERP planning team held a series of over 30 meetings with Federal and State agencies and Tribal governments throughout the basin during April, May, and June 2008 to provide information on MRERP, obtain interest in being a cooperating agency, and detail the next steps for involvement in the project. As a result, there is an overwhelming degree of understanding regarding comprehensive planning of this nature, a general climate of support for the Missouri River study, and a willingness to participate in the process.



Ongoing efforts include developing:

- An outline of the Missouri River Ecosystem Restoration Plan decision-making structure and process.
- Specific roles and responsibilities of MRRIC and cooperating agencies relative to the MRERP.
- The preliminary geographic scope of the project and what that means to the planning process, including stakeholder engagement.

Your questions. Our responses. Cooperating Agencies

Why are only one Point of Contact and an alternate for each cooperator being proposed?

The MRERP team is attempting to maximize the effectiveness and efficiency of the cooperating agency team while encouraging internal coordination within agencies. The MRERP team is also attempting to reduce time and dollar commitment of cooperating agencies by limiting engagement to one primary representative. At present, there are nearly 50 potential cooperating agencies. In order to maintain a manageable and coherent process, the USACE is asking each entity to select one primary and one alternate representative. However, each of those representatives will be allowed to select and incorporate technical staff from their agency or tribe in order to perform work on the MRERP.

What would be the time and dollar commitment for potential cooperating agencies?

The USACE and USFWS are committed to engaging Federal, State, and Tribal governments in a meaningful manner. While the number of meetings may be intensive during the initial and plan formulation steps of the MRERP process, efforts will be made to minimize travel to the extent possible. The MRERP team estimates a requirement of at least one full-time staff equivalent for initial work (combined for both the cooperating agency representative and technical team members). While USACE studies like the MRERP are typically cost shared with sponsors, MRERP does not require sponsors. No cost share is required for the MRERP; however, each agency is asked to provide for their own funds for their staff's engagement in the study.

Plan Roadmap – Where Are We?	
Initiate Planning	December 2008
Study the Affected Environment	January 2009 – Spring 2010
Consider Alternatives	2010 – 2012
Select the Plan	2014 – 2016

How will tributaries be treated in this study? Are they included in the planning effort?

Through the course of the planning process (and with the input of planning partners), tributary systems will be added to the study's geographic focus as they are identified. Tributaries that contribute significantly to biological and/or ecological processes on the mainstem Missouri River and are therefore deemed critical to restoration and recovery of targeted species, communities and ecosystems on the river will be included as part of the study.

How does the MRERP relate to the MRRIC and other basin groups?

The MRERP is a "study" required in the Water Resource Development Act of 2007. There will be a team of participants responsible for developing

the MRERP. However, development of the MRERP itself is a temporary endeavor and will be complete upon signing of a formal Record of Decision. Once the MRERP is complete, it will guide the future of the Missouri River Recovery Program. The MRRIC is a committee or "group" that may provide recommendations on a variety of studies and activities. The MRERP, unlike MRRIC, is a single study that must engage a variety of entities in its development, including the MRRIC.

How would the MRERP relate to a 216 or other re-study of the 1944 Flood Control Act (FCA)?

The MRERP would not be the equivalent of a reevaluation of the 1944 FCA. Currently the scope of the MRERP, as identified in Section 5018 of WRDA 2007, is limited to the objectives of mitigation, recovery, and restoration. A re-study of the 1944 Flood Control Act would require much broader authority than the MRERP study includes. At this time, no formal relationship between the MRERP and a future study exists; however, it is anticipated that the MRERP, or something similar, could be a component of a larger effort such as a re-study.

Will all potential solutions and options be on the table including recommended changes to river operations and the Biological Opinion (BiOp)?

MRERP is focused on identifying the most implementable and effective solutions for restoration, recovery, and mitigation. The study is not intended to suggest modifications to existing programs beyond these objectives. However, a study that would not consider all viable methods to accomplish the objectives of restoration, recovery and mitigation, would provide an incomplete analysis. An EIS "should address all reasonable alternatives, including alternatives that are outside the scope of what Congress has approved or funded (46 Fed. Reg. 18026 [1981])." Hence, MRERP may at times explore alternatives that are not in line with current river operations or the current BiOp, when focusing on the most implementable and effective solutions for restoration, recovery, and mitigation.

How will the MRERP impact existing mitigation and recovery efforts?

Past and present planning efforts within the Basin would not be affected by preparation of the MRERP; however, once finalized, the MRERP will guide future planning and implementation efforts pertaining to mitigation, recovery, and restoration.

The USACE has not been responsive in the past; why should we feel that this will be different?

Regardless of perception or past-practice, the USACE has committed to engaging cooperating agencies, Tribes, the MRRIC, and the public in a manner reflective of its public service role. It is the USACE's intent and commitment to collaborate in a process to utilize the expertise of other federal agencies, tribes, states, and the MRRIC in developing the MRERP's objectives, scope, alternatives, and impact analysis.

Who can be a Cooperating Agency?

Per NEPA regulations, Cooperating Agencies can include:

- Federal agencies
- State government or agencies
- Tribal governments or agencies
- Local government or agencies of similar qualifications as States

What is a Cooperating Agency?

NEPA regulations define "cooperating agency" as any federal agency other than a lead agency that has "jurisdiction by law" or "special expertise" with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment. "Jurisdiction by law" means agency authority to approve, veto, or finance all or part of the proposal. "Special expertise" means statutory responsibility, agency mission, or related program experience.

The cooperating agency relationship is distinctive, moving beyond consultation to engage officials and staff of other agencies or governments in a working partnership. Cooperating agencies share skills and resources that help shape the MRERP process to better reflect the policies, needs, and conditions of their jurisdictions and the citizens they represent.

The term "cooperating agency" as indicated in 40 CFR 1508.5 is not meant to devalue to the importance and significance of the government to government relationship between the USACE and tribal governments. In addition to the cooperating agency relationship with Tribal governments, the USACE has responsibilities under other laws, regulations, and policies to consult with Tribes on planning projects.



Should My Agency or Government Participate?

By participating as a cooperating agency in the MRERP planning process, not only can an agency or government assist the USACE in achieving a number of objectives throughout the planning and implementation processes, it can also provide opportunities to:

- Contribute to the extraordinary importance and value of the Missouri River ecosystem as its health directly impacts the resources for which many of us are responsible for managing.
- Define and shape the desired future condition of the Missouri River basin and how decisions are made.
- Identify long-term objectives, opportunities, strategies and success measures.
- Develop more sustainable and system-wide approaches to restoration of the river.

Next Steps in Establishing Cooperating Agencies

The MRERP process is a multi-year effort that is expected to last approximately seven years. The following indicates next steps and the timeline for establishing the Cooperating Agency Team:

Aug. 28 – Oct. 14, 2008

Conduct mini-rendezvous meetings throughout basin.

Sept. 1, 2008

Send Letters of Invitation and sample Letters of Agreement to all potential cooperating agencies.

Oct. 31, 2008

Cooperating agencies send Letters of Agreement to USACE.

Dec. 1, 2008

Cooperating Agency Team for the MRERP established and first meeting scheduled.

